

Civil Appeals within the Tenth Supreme Judicial District of Texas and fixing the time when this act shall become effective and providing for the appointment of the judges thereof, and repealing all laws and parts of laws in conflict therewith."

Has adopted

S. J. R. No. 1, Proposing an amendment to Section 2, Article 6, of the Constitution of the State of Texas by providing that only native born or naturalized citizens of the United States shall be qualified electors in this State, and permitting either the husband or the wife to pay the poll tax of the other and receive the receipt therefor, and permitting the Legislature to authorize absentee voting."

And has refused to engross

S. B. No. 150, A bill to be entitled "An Act to amend Chapter 1, Title 135, of Revised Civil Statutes of Texas, 1911, relating to wills by adding thereto Article 7857a, providing that clauses in wills attempting to prevent contests thereof shall be void."

Respectfully,

A. W. HOLT,

Assistant Secretary of the Senate.

RECESS.

Mr. Miller of Dallas moved that the House recess until 9:30 o'clock a. m., tomorrow.

Mr. Jones moved that the House adjourn until 10 o'clock a. m., tomorrow.

The motion to recess prevailed, and the House accordingly, at 5:10 o'clock p. m., took recess until 9:30 o'clock a. m. tomorrow.

TWENTY-SIXTH DAY.

(Continued.)

(Wednesday, February 16, 1921.)

The House met at 9:30 o'clock a. m., and was called to order by Speaker Thomas.

HOUSE BILL NO. 161 ON ENGROSSMENT.

The House resumed consideration of the pending special order, same being House bill No. 161, regulating the employment of women and minors and establishing an Industrial Welfare Commission to investigate and deal with such employment, on its passage to engrossment, with (committee) amendment by Mr. Miller of Dallas and substitute by Mr. John Davis of Dallas for the (committee) amendment, pending.

Mr. Morgan moved to table the substitute.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—54.

Bass.	Miller of Dallas.
Beasley	Morgan.
of Hopkins.	Morris of Medina.
Beavens.	Mott.
Binkley.	Nehlett.
Bonham.	Perry.
Branch.	Pool.
Brown.	Pope.
Burkett.	Quaid.
Burns.	Quicksall.
Carpenter.	Rountree.
Crawford.	Rowland.
Cummins.	Schweppe.
Dinkie.	Sims.
Duncan.	Sneed.
Harrington.	Stephens.
Henderson	Stewart
of McLennan.	of Edwards.
Johnson	Stewart of Reeves.
of Wichita.	Swann.
Jones.	Thomas
Kellis.	of Limestone.
King.	Thompson
Laney.	of Harris.
Lawrence.	Thompson
Lindsey.	of Red River.
Looney.	Wadley.
McFarlane.	Walker.
McKean.	Webb.
Melson.	Williams
Merriman.	of McLennan.

Nays—63.

Aiken.	Fly.
Baker.	Fugler.
Baldwin.	Garrett.
Barker.	Greer.
Barrett of Bell.	Hall.
Barrett of Fannin.	Harlin.
Beasley	Harrison.
of McCulloch.	Henderson
Black, O. B.,	of Marion.
of Bexar.	Horton.
Black, W. A.,	Johnson of Ellis.
of Bexar.	Kear.
Bryant.	Kveton.
Burmeister.	Lackey.
Childers.	Laird.
Coffee.	Lauderdale.
Cox.	McDaniel.
Crompton.	McLeod.
Curtis.	Malone.
Davis, John E.,	Martin.
of Dallas.	Marshall.
Davis, John.	Mathes.
of Dallas.	Menking.
Duffey.	Miller of Parker.
Estes.	Moore.
Faubion.	

Morris of Montague.	Satterwhite. Shearer.
Owen.	Stevenson.
Patman.	Sweet of Brown.
Perkins of Cherokee.	Sweet of Tarrant.
Pollard.	Thomason.
Rice.	Thrasher.
Rogers of Harris.	Wallace.
Rogers of Shelby.	Westbrook.
Rosser.	Williams of Montgomery.

Present—Not Voting.

Edwards.	Veatch.
Quinn.	Wessels.

Absent.

Hendricks.	Smith.
Hill.	West.

Absent—Excused.

Adams.	Leslie.
Brady.	McCord.
Chitwood.	Perkins of Lamar.
Darroch.	Seagler.
Grissom.	Teer.
Hanna.	Thorn.
Johnson of Gillespie.	Wright.

Question recurring on the substitute,
yeas and nays were demanded.

The substitute was adopted by the
following vote:

Yeas—67.

Baker.	Henderson
Baldwin.	of Marion.
Barker.	Hendricks.
Barrett of Bell.	Hill.
Barrett of Fannin.	Johnson of Ellis.
Beasley of McCulloch.	Kacir.
Black, O. B., of Bexar.	Kveton.
Black, W. A., of Bexar.	Lackey.
Bryant.	Laird.
Burmeister.	Lauderdale.
Childers.	Lawrence.
Coffee.	Looney.
Cox.	McDaniel.
Crumpton.	McLeod.
Curtis.	Malone.
Davis, John E., of Dallas.	Martin.
Davis, John, of Dallas.	Marshall.
Duffey.	Mathes.
Estes.	Melson.
Faubion.	Menking.
Fly.	Miller of Parker.
Fugler.	Moore.
Greer.	Owen.
Hall.	Patman.
Harrison.	Perkins of Cherokee.
	Pollard.
	Quicksall.
	Rice.
	Rogers of Harris.

Rogers of Shelby.	Sweet of Tarrant.
Rosser.	Thomason.
Rowland.	Thrasher.
Satterwhite.	Wadley.
Schweppe.	Wallace.
Shearer.	Williams of Montgomery
Stevenson.	
Sweet of Brown.	

Nays—52.

Bass.	Morgan.
Beasley of Hopkins.	Morris of Medina.
Beavens.	Morris of Montague.
Binkley.	Mott.
Bonham.	Neblett.
Branch.	Perry.
Brown.	Pool.
Burkett.	Pope.
Burns.	Quaid.
Carpenter.	Rountree.
Crawford.	Sims.
Cummins.	Sneed.
Dinkle.	Stephens.
Duncan.	Stewart of Edwards.
Garrett.	Stewart of Reeves.
Hardin.	Swann.
Harrington.	Thomas of McLennan.
Henderson of McLennan.	Thompson of Harris.
Horton.	Thompson of Red River.
Johnson of Wichita.	Walker.
Jones.	Webb.
Kellis.	Wessels.
King.	Westbrook.
Laney.	Williams of McLennan.
Lindsey.	
McFarlane.	
McKean.	
Merriman.	

Present—Not Voting.

Aiken.	Quinn.
Edwards.	Veatch.
Miller of Dallas.	

Absent.

Smith.	West.
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Absent—Excused.

Adams.	Leslie.
Brady.	McCord.
Chitwood.	Perkins of Lamar.
Darroch.	Seagler.
Grissom.	Teer.
Hanna.	Thorn.
Johnson of Gillespie.	Wright.

Mr. John Davis of Dallas moved to
reconsider the vote by which the sub-
stitute was adopted, and to table the
motion to reconsider.

The motion to table prevailed.

Reason for Vote.

I vote for the substitute for (committee) amendment to House bill No. 161, relying upon the agreement of the advocates of said substitute to accept an amendment which provides for trials de novo on appeals from findings of the Industrial Welfare Commission.

CURTIS.

Mr. John Davis of Dallas offered the following amendments to the amendment, as substituted:

(1)

Amend House bill No. 161, as amended, line 40, page 2, of substitute bill, add the letter "a" after the terms "Section 3" making it "Section 3a."

(2)

Amend House bill No. 161 as amended end of line 6, page 2, of substituted bill, after the word "and," the following words, "each member of the commission."

(3)

Amend House bill No. 161, as amended, page 3, of substitute bill, line 23, by adding after the word and figure "Section 4," the letter "a."

(4)

Amend House bill No. 161, as amended, page 5, of substitute bill, line 35, after the terms "Section 9," add the letter "a," making it "Section 9a."

The amendments were severally adopted.

Mr. Curtis offered the following amendment to the amendment as substituted:

Amend substitute for (committee) amendment to House bill No. 161, Section 10, by striking out all of said section beginning with the word "with," in line 21, page 6, and ending with the word "fraud," in line 31, and insert in lieu thereof the following: "The trial in such court shall be in all respects a trial de novo."

The amendment was adopted.

Mr. Pope offered the following amendment to the amendment as substituted:

Amend Davis substitute for House bill No. 161 by striking out Section 1 and insert the following in lieu thereof:

Section 1. There is hereby created a commission to be composed of three commissioners which shall be known as the Industrial Welfare Commission. The word "commission" hereinafter used refers to and means said Industrial Wel-

fare Commission, and the word "commissioner" as hereinafter used refers to and means a member of the Industrial Welfare Commission. Said commissioners shall be the same as those now composing the Industrial Accident Board of this State and hereafter the Governor of this State in making appointments to said Industrial Accident Board shall, as far as possible consistent with the law creating said Industrial Accident Board, observe the following rules to wit: One of said commissioners shall be appointed for a term of two years, one for a term of four years and one for a term of six years; thereafter, the term of office of each of said commissioners shall be six years. The Governor shall designate the terms of each of said three first appointees. Each commissioner shall hold office until his successor is appointed and qualified. Vacancies that may occur in the membership shall be filled by appointment by the Governor for the unexpired portion of the term in which such vacancy occurs.

Quorum of said commission is hereby declared to be the full membership thereof, but the act or decision of any two commissioners shall be deemed the act or decision of the commission. In the event a vacancy should occur then the two remaining commissioners shall constitute a quorum.

The Governor shall so select and appoint said commissioners so that at all times one of said commissioners shall be a representative of the employing class, and one of said commissioners shall be a representative of the employee class, and the third of said commissioners shall be a representative of the general public. The representative of the general public so appointed shall possess the qualifications now prescribed by law for a district judge in the State of Texas.

Each of said commissioners shall be an actual bona fide resident citizen of the State of Texas for five years next preceding the date of his appointment; that each of said commissioners shall take and subscribe to the same oath of office as is provided by the Constitution for the Governor of this State, and whose appointment shall date from the time copy of said oath is filed in the office of the Secretary of State; the chairman of said commission shall be the representative of the general public.

The commission may, until otherwise provided by the Legislature, employ a secretary, stenographers, and one assistant secretary and not to exceed six investigators—to carry out the pur-

poses of this act, and shall fix the compensation of such employes at not to exceed the sum of twenty-four hundred (\$2400) dollars per annum—together with all necessary traveling expenses for said employes; each of said salaries shall be paid in equal monthly installments.

When said Industrial Accident Board performs the duties imposed hereby it shall be known as the Industrial Welfare Commission and be governed by the rules and provisions hereof.

Provided, the Legislature may from time to time in making appropriations for the Industrial Accident Board and the Industrial Welfare Commission as herein provided for, limit or increase the number of employes and fix and regulate their salaries.

The amendment was adopted.

Mr. Wallace offered the following amendment to the amendment as substituted:

Amend House bill No. 161, as amended, page 3, line 31, by adding the following:

"Provided, that this act shall not apply to those engaged as domestic servants, nurses, student nurses, farm and ranch labor, and students in schools and colleges, while actually attending such schools and colleges during their session or in vacation and who are working their way through such schools and colleges, either in whole or in part; and all telephone exchanges, mercantile establishments of all classes and laundries in towns, cities and villages whose population as shown by the latest Federal census, is not more than 20,000."

Signed—Wallace, Rosser.

Mr. John Davis of Dallas offered the following substitute for the amendment by Mr. Wallace:

Amend House bill No. 161, as amended, by adding by way of substitute of amendment by Mr. Wallace, after "Section 13a" new section, numbered "Section 13a," as follows:

"The provisions of this act shall not apply to domestic servants, nurses, student nurses, farm and ranch labor, and students in schools and colleges, while actually attending such schools and colleges during their session or in vacation and who are working their way through schools and colleges, either in whole or in part; and all telephone exchanges in towns and cities and villages whose population was 5,000 or less at the last Federal census, are excluded from the provisions of the bill."

Mr. Cox moved that the House ad-

journal until 11:43 o'clock a. m., Wednesday, February 16, and the motion was lost.

The substitute for the amendment by Mr. Wallace was adopted.

Question then recurring on the amendment as substituted, it was adopted.

Question then recurring on the pending amendment to the bill as amended, it was adopted.

Mr. Mott offered the following amendments to the bill:

(1)

Amend House bill No. 161 by striking out all after the enacting clause and substituting the following:

Section 1. That Chapter One Hundred and Sixty (160) of the General Laws of the State of Texas passed at the Regular Session of the Thirty-sixth Legislature, the same being an act regulating the employment of women and minors and establishing an Industrial Welfare Commission to investigate and deal with such employment, including the fixing of a minimum wage; providing an appropriation therefor, and fixing penalties for the violations of said act, etc., the same having been approved April 3, 1919, be and the same is hereby repealed.

Sec. 2. The fact that Chapter One Hundred Sixty (160) enacted by the Regular Session of the Thirty-sixth Legislature, is so defective as that it is wholly impossible to put same into practical operation, without doing serious injury to the female and minor employes of the State of Texas, and the fact that said law makes it incumbent upon the commission therein appointed to perform certain acts and to fix a minimum wage which is impossible of being done, and from which duty and obligation they should be immediately relieved, creates an emergency and an imperative public necessity requiring that the constitutional rule requiring all bills to be read on three (3) several days be suspended, and the same is hereby suspended, and that this act shall take effect from and after its passage, and it is so enacted.

(2)

Amend House bill No. 161 by striking out all before the enacting clause and substitute the following:

A bill to be entitled "An Act to repeal Chapter 160 of the Acts of the Regular Session of the Thirty-sixth Legislature, approved April 3, 1919, the same being 'An Act regulating the employment of

women and minors and establishing an Industrial Welfare Commission to investigate and deal with such employment, including the fixing of a minimum wage; providing for an appropriation therefor, and fixing penalties for violating this act, etc., and declaring an emergency."

Mr. Crumpton moved to table the amendment.

Question—Shall the motion to table prevail?

BILL SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof, and its caption had been read, the following enrolled bill:

S. B. No. 133, "An Act to amend Section 1 of Senate bill No. 399, Chapter 58, page 178, of the Local and Special Laws passed at the Regular Session of the Thirty-fourth Legislature of the State of Texas, entitled 'An Act creating the Benavides Independent School District, situated in Duval county; defining its metes and bounds; vesting it with the rights, powers, duties and privileges of districts incorporated for school purposes only under the general laws; providing for a board of trustees therefor, and declaring an emergency,' and to amend Section 1. of Senate bill No. 81, Chapter 91, page 279, of the Local and Special Laws passed at the Third Called Session of the Thirty-sixth Legislature of the State of Texas, entitled 'An Act to amend Section 1 of Senate bill No. 399, Chapter 54, page 178, of the Local and Special Laws passed at the Regular Session of the Thirty-fourth Legislature of the State of Texas, entitled "An Act creating the Benavides Independent School District, situated in Duval county; defining its metes and bounds; vesting it with the rights, powers, duties and privileges of districts incorporated for school purposes only under the general laws; providing for a board of trustees therefor, and declaring an emergency." and declaring an emergency.'"

RECESS.

Mr. Miller of Parker moved that the House recess until 2 o'clock p. m. today.

Mr. Stewart of Reeves moved that the House recess until 1:30 o'clock p. m. today.

The motion of Mr. Miller of Parker prevailed, and the House, accordingly, at 12 o'clock m., took recess to 2 o'clock p. m. today.

AFTERNOON SESSION.

The House met at 2 o'clock p. m., and was called to order by Speaker Thomas.

HOUSE BILL NO. 161 ON ENGROSSMENT.

The House resumed consideration of pending special order, same being House bill No. 161, regulating the employment of women and minors and establishing an Industrial Welfare Commission to investigate and deal with such employment, on its passage to engrossment, with amendments by Mr. Mott and motion by Mr. Crumpton to table the amendments pending.

Mr. Mott withdrew the pending amendments.

Mr. Wallace offered the following amendment to the bill:

Amend House bill No. 161 as amended, Section 13a, by striking out all of Section 13a, beginning after the phrase "either in whole or in part," and inserting in lieu thereof the following: "and further, the provisions of this act shall in no event apply to towns of five thousand (5,000) population or less, according to the last Federal census."

Mr. Melson offered the following substitute for the amendment:

Amend House bill No. 161 by striking out the words "five thousand" in Section 13a and substituting the words "ten thousand."

Mr. Quicksall moved the previous question on the pending amendments, and the bill and the motion was not seconded.

On motion of Mr. Owen, the substitute was tabled.

Mr. Hall offered the following substitute for the amendment:

Amend House bill No. 161 as amended by striking out in Section 13a all after the phrase "either in whole or in part."

Mr. Coffee moved to table the substitute.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—88.

Aiken.	Binkley.
Baker.	Bonham.
Baldwin.	Brown.
Barrett of Bell.	Bryant.
Barrett of Fannin.	Burmeister.
Bass.	Burns.
Beasley	Carpenter.
of Hopkins.	Childers.
Beasley	Coffee.
of McCulloch.	Crawford.

Davis, John E., of Dallas.	Neblett. Owen.
Davis, John, of Dallas.	Patman.
Dinkie.	Perkins of Cherokee.
Duffey.	Perry.
Duncan.	Pollard.
Edwards.	Quicksall.
Estes.	Rice.
Fly.	Rogers of Harris.
Greer.	Rogers of Shelby.
Hardin.	Rosser.
Harrington.	Rountree.
Harrison.	Satterwhite.
Henderson of Marion.	Schweppe.
Hill.	Sims.
Horton.	Smith.
Kacir.	Sneed.
Kellis.	Stevenson.
King.	Stewart of Edwards.
Kveton.	Stewart of Reeves.
Laird.	Swann.
Lauderdale.	Sweet of Brown.
McDaniel.	Sweet of Tarrant.
McFarlane.	Thomas.
McKean.	of Limestone.
McLeod.	Thomason.
Malone.	Thompson of Red River.
Martin.	Thorn.
Marshall.	Thrasher.
Melson.	Veatch.
Menking.	Wallace.
Merriman.	Webb.
Miller of Parker.	Wessels.
Morgan.	Westbrook.
Moore.	Williams of McLennan.
Morris of Montague.	
Mott.	

Nays—29.

Barker.	Johnson of Wichita.
Beavens.	Jones.
Black, O. B., of Bexar.	Lawrence.
Black, W. A., of Bexar.	Mathes.
Crumpton.	Miller of Dallas.
Cummins.	Morris of Medina.
Curtis.	Pool.
Faubion.	Pope.
Fugler.	Quaid.
Garrett.	Rowland.
Hall.	Shearer.
Henderson of McLennan.	Thompson of Harris.
Hendricks.	Wadley.
Johnson of Ellis.	Walker.
	Williams of Montgomery.

Present—Not Voting.

Branch.	Quinn.
Lindsey.	Absent.
Burkett.	Cox.

Lackey.	Stephens.
Laney.	West.
Looney.	Absent—Excused.

Adams.	Leslie.
Brady.	McCord.
Chitwood.	Perkins of Lamar.
Darroch.	Seagler.
Grissom.	Teer.
Hanna.	Wright.
Johnson of Gillespie.	

Mr. Greer offered the following substitute for the amendment:

Amend House bill No. 161, Section 13a, by striking out "5,000" and inserting "2,000."

Mr. Miller of Dallas raised a point of order on consideration of the substitute on the ground that it proposes to change an amendment already adopted by the House.

The Speaker sustained the point of order.

Question recurring on the amendment by Mr. Wallace, it was lost.

Mr. Pope offered the following amendment to the bill:

Amend Davis substitute to House bill No. 161 by adding after the word "than." line 31, page 5, the following: "one dollar (\$1.00) nor more than twenty-five dollars (\$25.00) for each first offense and for each subsequent offense not less than."

The amendment was adopted.

Mr. Pope offered the following amendment to the bill:

Amend Davis substitute to House bill No. 161 by striking out the figure "2" in line 28, page 5, and insert in lieu thereof the figure "3."

The amendment was adopted.

Mr. Pope offered the following amendment to the bill:

Amend (committee) substitute, House bill No. 161, as amended, by striking out on page 2, line 19, the words "hours and."

The amendment was adopted.

Mr. Pope offered the following amendment to the bill:

Amend (committee) substitute, House bill No. 161, as amended, by adding at the end of Section 4a, page 4, the following:

"(5) A separate or different minimum wage for learners, apprentices and minors from that fixed for experienced female employes, provided that in all cases where an employe is required or permitted to work less than four (4) hours in any one day, the commission shall have power to fix another additional or

different minimum wage for such employe.

"In all cases where any female or minor employe does not live at home, or with his or her relatives, the commission may, upon petition, in its discretion, if the facts warrant, fix another additional or different minimum wage for such employe, which said wage thereafter from time to time may be increased or diminished, based upon the actual living cost of said employe."

Mr. Bonham offered the following substitute for the amendment:

Amend House bill No. 161, as amended, page 4, line 2, by striking out all after the word "report," in said line, down to Section 5, and inserting in lieu thereof the following: "or by classifying the industries in said zones or districts and may fix a different minimum wage for each or any of said classes of cities or industries where the conditions are found to warrant the same."

The substitute was lost.

Question recurring on the amendment, it was adopted.

Mr. Williams of McLennan moved to reconsider the vote by which the amendment was adopted and to table the motion to reconsider.

The motion to table prevailed.

Mr. Fly offered the following amendment to the bill:

Amend House bill No. 161 as now amended, Section 3, page 2, at line 32, by striking out all after the period following "thereof," in line 32, to the end of Section 3.

Mr. John Davis moved to table the amendment.

Question—Shall the motion to table prevail?

MESSAGE FROM THE SENATE.

Senate Chamber,

Austin, Texas, February 16, 1921.

Hon. Charles G. Thomas, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

H. B. No. 31, A bill to be entitled "An Act making it a misdemeanor for any person to ask, solicit, demand, charge or receive, directly or indirectly, from any other person, corporate or otherwise, any money, reward, favor, benefit, or other thing of value, or the promise of either as a consideration or inducement for procuring or effecting, or with the view, purpose or intent that such person may, can, or will, or may, can or will seek or undertake to, pro-

cure or effect any preference in the receipt, carriage, transportation, movement, placing, storing, handling, caring for or delivery of any freight, commodity, or article, or any railroad car or cars, by any common carrier, in State, or by any agent or employe of such common carrier, and prescribing a penalty therefor, defining the word 'preference' as used in this act, and declaring an emergency."

H. B. No. 67, A bill to be entitled "An Act creating a special road law for Coryell county, Texas, making the commissioners for said county supervisors of the roads in their respective districts, prescribing their duties as such supervisors; prescribing how said roads and bridges shall be built and worked; providing for payment of overseers for overtime; providing that each commissioner's beat shall receive all the road and bridge funds paid by said beat; providing how and where said moneys shall be spent; providing for teams and tools, and providing ways for road hands to work on said road, and providing for substitutes; defining the duties of county treasurer and county clerks relative to said road law; providing for investigation by grand jury for violations of said law; fixing penalties for violation of said law; repealing all special laws in conflict herewith; making this law cumulative to the general road law, where same does not conflict, and providing where same conflicts with general road law that this special law shall supersede general laws, and providing for an emergency."

H. B. No. 82, A bill to be entitled "An Act to repeal Section 8, of Chapter 4, of the Local and Special Laws passed at the Third Called Session of the Thirty-fifth Legislature, which was 'An Act to create a more efficient road law for Cass county,' and which section provides that all citizens of Cass county between the age of twenty-one and fifty years shall be subject to road duty and are required each to pay four dollars per annum in lieu of all laws requiring road duty, and declaring an emergency."

H. B. No. 277, A bill to be entitled "An Act creating the Tuscola Independent School District in Taylor county, Texas; defining its boundaries; providing for a board of trustees in said district; conferring upon said district and its boards of trustees all the rights, powers, privileges and duties now conferred and imposed by the general laws of Texas upon independent school districts and the board of trustees thereof; declaring that all taxes or bonds heretofore au-

thorized by any former school district included within the bounds thereof shall remain in full force and effect; and declaring an emergency."

H. B. No. 388, A bill to be entitled "An Act creating and incorporating the Lyford Independent School District in Cameron county, Texas, including the town of Lyford; defining its boundaries; providing for a board of trustees, and assuming all contracts, debts, including bonded indebtedness of Lyford Independent School District; investing said district with all the rights, privileges and duties of an independent school district created under the general laws of the State of Texas for free school purposes only, and declaring an emergency."

And has refused to pass to third reading

H. B. No. 22, A bill to be entitled "An Act to amend Article 696, Chapter 1, Title 12, of the Revised Criminal Statutes of the State of Texas, 1911, as amended by the Thirty-third Legislature."

H. B. No. 34, A bill to be entitled "An Act amending Article 6923 of Title 119 of the Revised Civil Statutes of the State of Texas, 1911, providing that any person summoned to work on the public roads of this State shall be exempted from the performance of such work upon payment to the road overseer of his district of \$2 for each and every day he is summoned to work, and exempting such person from all penalties for failure to work on such roads for the time for which he has so paid, and declaring an emergency."

Respectfully,

A. W. HOLT,

Assistant Secretary of the Senate.

MESSAGE FROM THE SENATE.

Senate Chamber,

Austin, Texas, February 16, 1921.

Hon. Charles G. Thomas, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed, with amendments,

H. B. No. 1, A bill to be entitled "An Act to amend Article 1173, Chapter 4, Title 15, and Article 1142, Chapter 3, Title 15, of the Code of Criminal Procedure of the State of Texas, relating to the fees allowed sheriffs or other peace officers performing the same services in misdemeanor cases to be taxable against the defendant on conviction, and the allowance to sheriffs by the commissioners court of the several

counties in this State for the safe-keeping, support and maintenance of prisoners in jail or under guard, and declaring an emergency."

Respectfully,

A. W. HOLT,

Assistant Secretary of the Senate.

MESSAGE FROM THE SENATE.

Senate Chamber,

Austin, Texas, February 16, 1921.

Hon. Charles G. Thomas, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 82, A bill to be entitled "An Act to amend Article 4621, Chapter 3, Title 68, of the Revised Statutes of Texas of 1911, as amended by Chapter 194, Section 1, of the acts of the Regular Session of the Thirty-fifth Legislature, by providing that the separate property of the husband shall not be subject to torts of the wife, and the separate property of the wife shall not be subject to the torts of the husband, and the community property of the husband and wife shall not be subject to the torts of the wife, and declaring an emergency."

S. B. No. 119, A bill to be entitled "An Act to provide for the survey and marking of the coast line of Texas within the tide water limits and employment of surveyors for that purpose; adopting the mean high tide water line as the property line between public and private property; prescribing the duty of surveyors; providing for suits against the State by land owners when they are unwilling to accept the line approved by the Commissioner of the General Land Office; providing for the compensation of surveyors and necessary help; providing penalty for one who may be found guilty of moving or destroying any mark or monument erected by a surveyor as a mark in the survey of the line herein provided for, and declaring an emergency."

S. B. No. 124, A bill to be entitled "An Act to fix the burden of proof as to heirship in suits by, or on behalf of, or by any person through or under any heir or heirs in cases involving the title to real estate or any interest therein, where deeds of conveyance or other instruments of writing have been executed and recorded according to law, for a period of twenty-one years, by such heir or heirs or any person or persons purporting in such deed or conveyance, or

other instrument in writing, to be such heir or heirs, and declaring an emergency."

S. B. No. 214, A bill to be entitled "An Act to amend Section 118 of Chapter 61 of the General Laws passed by the Third Called Session of the Thirty-sixth Legislature and approved June 19, 1920, by providing that superintendents of schools who have been superintendents of said school for a period of ten consecutive years are exempt from the provision requiring the holding of a first grade or permanent certificate, and declaring an emergency."

H. B. No. 62, A bill to be entitled "An Act authorizing the commissioners courts of Texas to fix the compensation of the tax assessors of their respective counties for assessing and making the tax rolls of that part of any improvement district lying within the city limits of cities having a population of more than 75,000 inhabitants, at a sum not to exceed the amount allowed by general law for like services in assessing State and county taxes, and declaring an emergency," with amendment.

Respectfully,

A. W. HOLT,

Assistant Secretary of the Senate.

NOTICES GIVEN.

Mr. Owen gave notice that he would on tomorrow call up for consideration at that time House bill No. 93, which bill has heretofore been laid on the table subject to call.

Mr. Quinn gave notice that on tomorrow he would call up for consideration at that time House bill No. 120, which bill has heretofore been laid on the table subject to call.

Mr. West gave notice that on tomorrow he would call up for consideration at that time House bill No. 120, which bill has heretofore been laid on the table subject to call.

Mr. Rogers of Harris gave notice that on tomorrow he would call up for consideration at that time House bill No. 51, which bill has heretofore been laid on the table subject to call.

RECESS.

Mr. Beasley of McCulloch moved that the House recess until 7:30 o'clock p. m. today.

Mr. Pollard moved that the House recess until 10 o'clock a. m. tomorrow.

Mr. Mott moved that the House adjourn until 10 o'clock a. m. tomorrow.

The motion of Mr. Beasley of McCulloch prevailed, and the House ac-

cordingly, at 5:20 o'clock p. m., took recess to 7:30 o'clock p. m. today.

NIGHT SESSION.

The House met at 7:30 o'clock p. m., and was called to order by Speaker Thomas.

HOUSE BILL NO. 161 ON ENGROSSMENT.

The House resumed consideration of pending special order, same being House bill No. 161, known as the minimum wage bill, on its passage to engrossment, with amendment by Mr. Fly and motion by Mr. John Davis to table the amendment pending.

Mr. Walker moved a call of the House for the purpose of maintaining a quorum pending consideration of House bill No. 161, and the call was duly seconded.

The Speaker then directed the Doorkeeper to close the main entrance to the Hall and instructed the Sergeant-at-Arms to lock all other doors leading from the Hall, and stated that no member would be permitted to leave the Hall without written permission of the Speaker.

The Speaker directed the Clerk to call the roll and ascertain the absentees.

The roll was called for the purpose of ascertaining the names of the absentees.

On motion of Mr. Miller of Dallas, the Sergeant-at-Arms was instructed to enforce the attendance of the absentees.

Mr. Satterwhite moved that the House adjourn until 7:50 o'clock p. m. Wednesday, February 16.

Yeas and nays were demanded, and the motion to adjourn was lost by the following vote:

Yeas—12.

Barker.	Lackey.
Barrett of Fannin.	Morris
Bass.	of Montague.
Cox.	Rogers of Shelby.
Crawford.	Satterwhite.
Hardin.	Sweet of Brown.
Kellis.	

Nays—93.

Baldwin.	Branch.
Barrett of Bell.	Brown.
Beasley	Bryant.
of Hopkins.	Burmeister.
Beasley	Burns.
of McCulloch.	Childers.
Binkley.	Coffee.
Black, W. A.,	Crumpton.
of Bexar.	Cummins.
Bonham.	

Davis, John E., of Dallas.	Neblett.
Davis, John, of Dallas.	Patman.
Duffey.	Perkins of Cherokee.
Duncan.	Pollard.
Edwards.	Pope.
Faubion.	Quaid.
Fly.	Quicksall.
Fugler.	Quinn.
Garrett.	Rice.
Greer.	Rogers of Harris.
Hall.	Rosser.
Harrington.	Rowland.
Harrison.	Schweppe.
Henderson of Marion.	Shearer.
Hendricks.	Sims.
Hill.	Smith.
Horton.	Sneed.
Jones.	Stephens.
Kacir.	Stevenson.
King.	Stewart
Kveton.	of Edwards.
Laird.	Stewart of Reeves.
Lauderdale.	Sweet of Tarrant.
Lawrence.	Thomas
Looney.	of Limestone.
McDaniel.	Thompson
McFarlane.	of Harris.
McKean.	Thompson
McLeod.	of Red River.
Malone.	Thrasher.
Martin.	Veatch.
Marshall.	Wadley.
Mathes.	Walker.
Melson.	Wallace.
Merriman.	Webb.
Miller of Dallas.	Wessels.
Morgan.	West.
Moore.	Westbrook.
Morris of Medina.	Williams
Mott.	of McLennan.
	Williams of Montgomery.

Absent.

Aiken.	Johnson
Baker.	of Wichita.
Beavens.	Laney.
Black, O. B., of Bexar.	Lindsey.
Burkett.	Menking.
Carpenter.	Miller of Parker.
Curtis.	Owen.
Dinkle.	Perry.
Estes.	Pool.
Henderson	Rountree.
of McLennan.	Swann.
Johnson of Ellis.	Thomason.
	Thorn.

Absent—Excused.

Adams.	Hanna.
Brady.	Johnson
Chitwood.	of Gillespie.
Darroch.	Leslie.
Grissom.	McCord.

Perkins of Lamar.	Teer.
Seagler.	Wright.

Question recurring on the motion by Mr. John Davis of Dallas to table the amendment by Mr. Fly, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—54.

Baldwin.	Horton.
Black, W. A., of Bexar.	Jones.
Branch.	King.
Bryant.	Kveton.
Burmeister.	Laird.
Burns.	Lauderdale.
Coffee.	Lawrence.
Cox.	Malone.
Crumpton.	Marshall.
Davis, John E., of Dallas.	Mathes.
Davis, John, of Dallas.	Miller of Dallas.
Duffey.	Neblett.
Edwards.	Patman.
Faubion.	Pollard.
Fugler.	Quaid.
Garrett.	Quinn.
Greer.	Rice.
Hall.	Rogers of Harris.
Hanna.	Rosser.
Hardin.	Schweppe.
Harrington.	Smith.
Harrison.	Sweet of Tarrant.
Henderson	Thomason.
of Marion.	Thrasher.
Hendricks.	Wadley.
Hill.	Walker.
	Wallace.
	Wessels.
	Westbrook.

Nays—55.

Mr. Speaker.	McKean.
Barker.	McLeod.
Barrett of Bell.	Martin.
Bass.	Melson.
Beasley	Merriman.
of Hopkins.	Morgan.
Beasley	Moore.
of McCulloch.	Morris of Medina.
Beavens.	Morris
Binkley.	of Montague.
Bonham.	Mott.
Brown.	Perkins
Childers.	of Cherokee.
Crawford.	Pool.
Cummins.	Pope.
Duncan.	Quicksall.
Fly.	Rogers of Shelby.
Kacir.	Rountree.
Kellis.	Rowland.
Lackey.	Satterwhite.
Looney.	Shearer.
McDaniel.	Sims.
McFarlane.	Sneed.

Stephens.	Thompson
Stevenson.	of Red River.
Stewart	Veatch.
of Edwards.	Webb.
Stewart of Reeves.	West.
Sweet of Brown.	Williams
Thomas	of McLennan.
of Limestone.	Williams
Thompson	of Montgomery
of Harris.	

Absent.

Aiken.	Johnson of Ellis.
Baker.	Johnson
Barrett of Fannin.	of Wichita.
Black, O. B.,	Laney.
of Bexar.	Lindsey.
Burkett.	Menking.
Carpenter.	Miller of Parker.
Curtis.	Owen.
Dinkle.	Perry.
Estes.	Swann.
Henderson	Thorn.
of McLennan.	

Absent—Excused.

Adams.	Leslie.
Brady.	McCord.
Chitwood.	Perkins of Lamar.
Darroch.	Seagler.
Grissom.	Teer.
Johnson	Wright.
of Gillespie.	

Mr. Hall called for a verification of the vote.

The Clerk was directed to call the roll of members recorded as voting "yea."

The roll of "yeas" was called and found correct as first announced.

The roll of "nays" was then called and found correct as first announced.

The verified vote stood as first announced—yeas 54, nays 55.

Question recurring on the amendment by Mr. Fly, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—59.

Baker.	Duncan.
Barrett of Bell.	Edwards.
Barrett of Fannin.	Fly.
Bass.	Garrett.
Beasley	Hanna.
of Hopkins.	Hardin.
Beasley	Harrington.
of McCulloch.	Henderson
Beavens.	of Marion.
Binkley.	Kacir.
Brown.	Kellis.
Childers.	Looney.
Crawford.	McDaniel.
Cummins.	McFarlane.

McKean.	Sneed.
McLeod.	Stephens.
Melson.	Stevenson.
Merriman.	Stewart
Morgan.	of Edwards.
Moore.	Stewart of Reeves.
Morris of Medina.	Sweet of Brown.
Morris	Thomas
of Montague.	of Limestone.
Mott.	Thompson
Neblett.	of Harris.
Patman.	Thompson
Perkins	of Red River.
of Cherokee.	Veatch.
Pool.	Webb.
Quicksall.	Wessels.
Rogers of Shelby.	Westbrook.
Rowland.	Williams
Satterwhite.	of McLennan.
Shearer.	Williams
Sims.	of Montgomery

Nays—50.

Baldwin.	King.
Barker.	Kveton.
Bonham.	Lackey.
Black, W. A.,	Laird.
of Bexar.	Lauderdale.
Branch.	Lawrence.
Bryant.	Malone.
Burmeister.	Martin.
Burns.	Marshall.
Coffee.	Mathes.
Cox.	Miller of Dallas.
Crumpton.	Pollard.
Curtis.	Quaid.
Davis, John E.,	Quinn.
of Dallas.	Rice.
Davis, John,	Rogers of Harris.
of Dallas.	Rosser.
Duffey.	Schweppe.
Faubion.	Smith.
Fugler.	Sweet of Tarrant.
Greer.	Thomason.
Hall.	Thrasher.
Harrison.	Wadley.
Hendricks.	Walker.
Hill.	Wallace.
Horton.	West.
Jones.	

Absent.

Aiken.	Johnson
Black, O. B.,	of Wichita.
of Bexar.	Laney.
Burkett.	Lindsey.
Carpenter.	Menking.
Dinkle.	Owen.
Estes.	Perry.
Henderson	Swann.
of McLennan.	Thorn.
Johnson of Ellis.	

Absent—Excused.

Adams.	Darroch.
Chitwood.	Grissom.

Johnson
of Gillespie.
Leslie.
McCord.

Perkins of Lamar.
Seagler.
Teer.
Wright.

Paired.

Mr. Pope (present), who would vote "nay," with Mr. Miller of Parker (absent), who would vote "yea."

Mr. Rountree (present), who would vote "yea," with Mr. Brady (absent), who would vote "nay."

Mr. Williams of McLennan moved to reconsider the vote by which the amendment was adopted and to table the motion to reconsider.

Question first recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—58.

Baker.	Mott.
Barrett of Bell.	Neblett.
Barrett of Fannin.	Patman.
Bass.	Perkins
Beasley	of Cherokee.
of Hopkins.	Pool.
Beasley	Quicksall.
of McCulloch.	Rogers of Shelby.
Beavens.	Rowland.
Binkley.	Satterwhite.
Brown.	Shearer.
Childers.	Sims.
Crawford.	Sneed.
Cummins.	Stephens.
Duncan.	Stevenson.
Edwards.	Stewart
Fly.	of Edwards.
Hanna.	Stewart of Reeves.
Hardin.	Sweet of Brown.
Henderson	Thomas
of Marion.	of Limestone.
Johnson	Thomason.
of Wichita.	Thompson
Kacir.	of Harris.
Kellis.	Thompson
McDaniel.	of Red River.
McFarlane.	Veatch.
McKean.	Webb.
McLeod.	Wessels.
Melson.	West.
Merriman.	Williams
Morgan.	of McLennan.
Moore.	Williams
Morris of Medina.	of Montgomery.
Morris	
of Montague.	

Nays—54.

Baldwin.	Black, W. A.,
Barker.	of Bexar.
Black, O. B.,	Bonham.
of Bexar.	

Branch.
Bryant.
Burmeister.
Burns.
Coffee.
Cox.
Crumpton.
Curtis.
Davis, John E.,
of Dallas.
Davis, John,
of Dallas.
Duffey.
Faubion.
Fugler.
Garrett.
Greer.
Hall.
Harrington.
Harrison.
Hendricks.
Hill.
Horton.
Jones.
King.
Kveton.

Lackey.
Laird.
Lauderdale.
Lawrence.
Looney.
Malone.
Martin.
Marshall.
Mathes.
Miller of Dallas.
Owen.
Pollard.
Quaid.
Quinn.
Rice.
Rogers of Harris.
Rosser.
Schweppe.
Smith.
Sweet of Tarrant.
Thrasher.
Wadley.
Walker.
Wallace.
Westbrook.

Absent.

Aiken.	Laney.
Burkett.	Leslie.
Carpenter.	Lindsey.
Dinkle.	Menking.
Estes.	Perry.
Henderson	Swann.
of McLennan.	Thorn.
Johnson of Ellis.	

Absent—Excused.

Adams.	McCord.
Chitwood.	Perkins of Lamar.
Darroch.	Seagler.
Grissom.	Teer.
Johnson	Wright.
of Gillespie.	

Paired.

Mr. Pope (present), who would vote "yea," with Mr. Miller of Parker (absent), who would vote "nay."

Mr. Rountree (present), who would vote "yea," with Mr. Brady (absent), who would vote "nay."

Mr. Moore offered the following amendment to the bill:

Amend House bill No. 161, as amended, by striking out all of Section 15, page 7, and renumber the remaining sections to correspond.

Mr. Burmeister moved the previous question on the amendment and the engrossment of the bill, and the motion was not seconded.

Mr. Curtis offered the following substitute for the amendment:

Amend Section 15, page 7, of substitute for (committee) amendment to House bill No. 161 by striking out the words "sum of \$12,000," in line 20, and inserting the words "four thousand dollars or so much thereof as may be necessary."

Question first recurring on the substitute, it was adopted.

The amendment as substituted was adopted.

Mr. Curtis moved to reconsider the vote by which the amendment was adopted and to table the motion to reconsider.

The motion to table prevailed.

Mr. Patman offered the following amendment to the bill:

Amend House bill No. 161, Section 13a, as amended, by striking out all after the words "either in whole or in part." and insert in lieu thereof the following: "and all telephone exchanges, mercantile establishments of all classes and laundries in cities, towns and villages whose population was 4,950 or less at the last federal census are hereby exempt from the provisions of this act."

Mr. Burmeister raised a point of order on consideration of the amendment at this time on the ground that it would change the effect of an amendment already adopted by the House.

The Speaker overruled the point of order.

Mr. Bass moved the previous question on the amendment, and the main question was ordered.

Question recurring on the amendment, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—66.

Baldwin.	Hardin.
Barker.	Harrington.
Barrett of Bell.	Henderson
Barrett of Fannin.	of Marion.
Bass.	Hill.
Beasley	Johnson
of Hopkins.	of Wichita.
Beasley	Kacir.
of McCulloch.	Kellis.
Beavens.	King.
Binkley.	Lackey.
Branch.	Laird.
Brown.	Looney.
Bryant.	McFarlane.
Childers.	McKean.
Cox.	McLeod.
Crawford.	Martin.
Duncan.	Marshall.
Edwards.	Melson.
Fly.	Merriman.
Hanna.	Morgan.

Moore.	Stephens.
Morris	Stevenson.
of Montague.	Stewart
Patman.	of Edwards.
Perkins	Stewart of Reeves.
of Cherokee.	Sweet of Tarrant.
Perry.	Thomas
Pope.	of Limestone.
Quicksall.	Thomason.
Rice.	Thompson
Rogers of Shelby.	of Harris.
Rosser.	Thompson
Rountree.	of Red River.
Rowland.	Veatch.
Satterwhite.	Wallace.
Sims.	Webb.
Sneed.	Wessels.

Nays—48.

Black, O. B.,	Lawrence.
of Bexar.	McDaniel.
Black, W. A.,	Malone.
of Bexar.	Mathes.
Bonham.	Miller of Dallas.
Burmeister.	Morris of Medina.
Burns.	Mott.
Coffee.	Neblett.
Crumpton.	Owen.
Cummins.	Pollard.
Curtis.	Pool.
Davis, John E.,	Quaid.
of Dallas.	Quinn.
Davis, John,	Rogers of Harris.
of Dallas.	Schweppe.
Duffey.	Shearer.
Faubion.	Smith.
Fugler.	Sweet of Brown.
Garrett.	Thrasher.
Greer.	Wadley.
Hall.	Walker.
Harrison.	West.
Hendricks.	Westbrook.
Horton.	Williams
Jones.	of McLennan.
Kveton.	Williams
Lauderdale.	of Montgomery.

Absent.

Aiken.	Johnson of Ellis.
Baker.	Laney.
Burkett.	Lindsey.
Carpenter.	Menking.
Dinkle.	Miller of Parker.
Estes.	Swann.
Henderson	Thorn.
of McLennan.	

Absent—Excused.

Adams.	Leslie.
Brady.	McCord.
Chitwood.	Perkins of Lamar.
Darroch.	Seagler.
Grissom.	Teer.
Johnson	Wright.
of Gillespie.	

Mr. Mott offered the following amendment to the bill:

Amend House bill No. 161, as amended, by striking out all after the enacting clause down to Section 18.

Mr. Miller of Dallas moved the previous question on the amendment, and the main question was ordered.

Question recurring on the amendment, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—41.

Baldwin.	Melson.
Barrett of Fannin.	Merriman.
Bass.	Morris
Beasley	of Montague.
of Hopkins.	Mott.
Beasley	Perkins
of McCulloch.	of Cherokee.
Beavens.	Quicksall.
Binkley.	Rowland.
Brown.	Stevenson.
Childers.	Stewart
Cox.	of Edwards.
Crawford.	Stewart of Reeves.
Duncan.	Sweet of Brown.
Edwards.	Thomas
Fly.	of Limestone.
Hanna.	Thompson
Hardin.	of Harris.
Henderson	Thompson
of McLennan.	of Red River.
Johnson	Webb.
of Wichita.	Wessels.
Kacir.	Williams
Kellis.	of McLennan.
McDaniel.	Williams
McKean.	of Montgomery
McLeod.	

Nays—76.

Barker.	Garrett.
Barrett of Bell.	Greer.
Black, O. B.,	Hall.
of Bexar.	Harrington.
Black, W. A.,	Harrison.
of Bexar.	Henderson
Bonham.	of Marion.
Brady.	Hendricks.
Branch.	Hill.
Bryant.	Horton.
Burmeister.	Jones.
Burns.	King.
Coffee.	Kveton.
Crumpton.	Lackey.
Cummins.	Laird.
Curtis.	Lauderdale.
Davis, John E.,	Lawrence.
of Dallas.	Lindsey.
Davis, John,	Looney.
of Dallas.	McFarlane.
Duffey.	Malone.
Faubion.	Martin.
Fugler.	Marshall.

Mathes.	Rogers of Shelby.
Menking.	Rosser.
Miller of Dallas.	Satterwhite.
Miller of Parker.	Schweppé.
Morgan.	Shearer.
Moore.	Sims.
Morris of Medina.	Smith.
Neblett.	Sneed.
Owen.	Stephens.
Patman.	Sweet of Tarrant.
Perry.	Thomason.
Pollard.	Thrasher.
Pool.	Veatch.
Pope.	Wadley.
Quaid.	Walker.
Quinn.	Wallace.
Rice.	West.
Rogers of Harris.	Westbrook.

Absent.

Aiken.	Estes.
Baker.	Johnson of Ellis.
Burkett.	Laney.
Carpenter.	Swann.
Dinkle.	Thorn.

Absent—Excused.

Adams.	Leslie.
Chitwood.	McCord.
Darroch.	Perkins of Lamar.
Grissom.	Seagler.
Johnson	Teer.
of Gillespie.	Wright.

Paired.

Mr. Rountree (present), who would vote "yea," with Mr. Brady (absent), who would vote "nay."

Mr. John Davis of Dallas moved to reconsider the vote by which the amendment was lost and to table the motion to reconsider.

The motion to table prevailed.

Mr. Pope offered the following amendments to the bill:

(1)

Amend (committee) substitute for House bill No. 161 by striking out on page 6 all of lines 32 and 33 and down to and including the word "proceedings," in line 34, and insert in lieu thereof the following: "Upon the setting aside of any determination, order or wage fixed by the commission, the court trying said cause shall enter such orders, judgments and decrees as the court shall find should have been originally made by the commission."

(2)

Amend Davis substitute to House bill No. 161 by adding after the word "con-

clusive" the following in line 10, page 6: "except where appealed from as hereinafter provided."

(3)

Amend the Davis substitute for House bill No. 161 by adding at the end of Section 3 the following: "providing the blanks for reports required under the provisions of this act shall be supplied by the commissioners."

(4)

Amend (committee) substitute for House bill No. 161, as amended, by striking out on pages 6 and 7 all of Section 11 and insert in lieu thereof the following:

"Sec. 11. In all prosecutions for the violation of any provisions of this act, and in all cases affecting any orders, judgments or decrees made by the commission, such provisions shall have precedence over all other cases pending in said court of a different nature, and in all cases where an appeal has been taken, said appeal shall have precedence over all other cases of a different nature therein pending.

"No criminal prosecution hereunder shall be instituted or maintained for any violation of any provisions of this act committed during the pendency of said civil suit."

(5)

Amend (committee) substitute for House bill No. 161 by striking out all of Sections 7 and 8 and inserting in lieu thereof the following:

"Sec. 7. Any occupation, trade or industry in or for which a minimum wage has been established under the provisions of this act, the county judge of the county in which they may reside shall issue to any aged, defective or deficient, or crippled person subject to this act, a special license authorizing the employment of such person for a period of twelve (12) months for a wage less than such legal minimum wage, which license may be by the county judge of the county in which such female or minor may reside, at its expiration, renew for a like period of twelve (12) months."

And by renumbering succeeding sections accordingly.

The amendments were severally adopted.

Mr. Bonham offered the following amendments to the bill:

(1)

Amend House bill No. 161, as amended, page 3, lines 24 and 25, eliminating therefrom the following: "or before the secretary or any investigator employed by said commission."

Signed—Bonham, Pope.

(2)

Amend House bill No. 161, as amended, page 3, Section 4, lines 5 and 6, by striking out the following: "or the secretary or any investigator employed by said commission."

Signed—Bonham, Pope.

(3)

Amend House bill No. 161, as amended, page 3, Section 4, by inserting in line 7, next after the word "witnesses," the following: "issue subpoenas duces tecum and compel the production before the commission of any and all books and records desired by the commission."

The amendments were severally adopted.

Mr. Stevenson offered the following amendment to the bill:

Amend House bill No. 161, as amended, by inserting after Section 13a the following:

"Sec. 13b. The commission shall have no jurisdiction or authority over employers who employ less than ten women or ten minors in any one establishment."

On motion of Mr. Quaid, the amendment was tabled.

Mr. John Davis of Dallas offered the following amendment to the bill:

Amend House bill No. 161, as amended, by striking out the caption and insert in lieu thereof the following:

"A bill to be entitled 'An Act to regulate the employment of women and minors, creating and establishing an Industrial Welfare Commission, and imposing the duties, obligations and liabilities on and giving the powers of such commission to the Industrial Accident Board, and providing for their appointment by the Governor; fixing their salaries, authorizing the commission to employ a secretary and other employees necessary to enforce the act, and fixing their salaries; defining the duties of the commission and prescribing certain duties of persons, firms and corporations employing women and minors; prescribing and fixing the powers of the commission; prohibiting the discharge, in-

timidation or discrimination against employees who may testify before or furnish the commission with information, and providing penalties therefor; providing for prosecutions for violations of the act and the orders of the commission; prescribing the manner for a review of any order, finding or determination of the commission; conferring the right of civil action by employees who are paid less than the minimum wage fixed by the commission; prescribing the manner in which complaints may be registered with the commission; defining the persons to whom the act shall apply, and providing that the provisions of this act shall not apply to towns of four thousand nine hundred and fifty population or less, according to the last federal census, and does not apply to certain named employees, and making an appropriation to carry out the purposes of this act; providing for the repeal of Chapter 160, Acts of the Regular Session of the Thirty-sixth Legislature, approved April 3, 1919, and of all laws or parts of laws in conflict with this act, and declaring an emergency." "

Mr. Miller of Dallas moved the previous question on the amendment and the engrossment of the bill, and the main question was ordered.

Question first recurring on the amendment, it was adopted.

Question next recurring on the engrossment of the bill, yeas and nays were demanded.

The bill was passed to engrossment by the following vote:

Yeas—94.

Baldwin.	Curtis.
Barker.	Davis, John E.,
Barrett of Bell.	of Dallas.
Bass.	Davis, John,
Beasley	of Dallas.
of Hopkins.	Duffey.
Beasley	Duncan.
of McCulloch.	Faubion.
Beavens.	Fugler.
Binkley.	Garrett.
Black, O. B.,	Greer.
of Bexar.	Hall.
Black, W. A.,	Harrington.
of Bexar.	Harrison.
Bonham.	Henderson
Branch.	of McLennan.
Bryant.	Henderson
Burmeister.	of Marion.
Burns.	Hendricks.
Coffee.	Hill.
Cox.	Horton.
Crawford.	Johnson
Crumpton.	of Wichita.
Cummins.	Jones.

Kacir.	Quinn.
King.	Rice.
Kveton.	Rogers of Harris.
Lackey.	Rogers of Shelby.
Laird.	Rosser.
Lauderdale.	Rountree.
Lawrence.	Satterwhite.
Lindsey.	Schweppe.
Looney.	Seagler.
McFarlane.	Shearer.
Malone.	Sims.
Martin.	Smith.
Marshall.	Sneed.
Mathes.	Stephens.
Menking.	Stevenson.
Merriman.	Stewart of Reeves.
Miller of Dallas.	Sweet of Tarrant.
Miller of Parker.	Teer.
Morgan.	Thomason.
Moore.	Thompson
Morris of Medina.	of Red River.
Neblett.	Thrasher.
Owen.	Veatch.
Patman.	Wadley.
Perry.	Walker.
Pollard.	Wallace.
Pool.	Webb.
Pope.	West.
Quaid.	Westbrook.

Nays—23.

Barrett of Fannin.	Perkins
Brown.	of Cherokee.
Childers.	Quicksall.
Edwards.	Rowland.
Fly.	Stewart
Hanna.	of Edwards.
Hardin.	Sweet of Brown.
Kellis.	Thomas
McDaniel.	of Limestone.
McKean.	Thompson
McLeod.	of Harris.
Melson.	Wessels.
Morris	Williams
of Montague.	of McLennan.
Mott.	Williams
	of Montgomery.

Absent.

Aiken.	Estes.
Baker.	Johnson of Ellis.
Burkett.	Laney.
Carpenter.	Swann.
Dinkle.	Thorn.

Absent—Excused.

Adams.	Johnson
Brady.	of Gillespie.
Chitwood.	Leslie.
Darroch.	McCord.
Grissom.	Perkins of Lamar.
	Wright.

SENATE BILLS ON FIRST READING.

The following Senate bills were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate bill No. 64, to Committee on Judicial Districts.

Senate bill No. 77, to Committee on Banks and Banking.

Senate bill No. 79, to Committee on State Affairs.

Senate bill No. 94, to Committee on Education.

Senate bill No. 155, to Committee on Education.

Senate bill No. 157, to Committee on Criminal Jurisprudence.

Senate bill No. 202, to Committee on Conservation and Reclamation.

Senate bill No. 245, to Committee on Education.

Senate joint resolution No. 1, to Committee on Constitutional Amendments.

HOUSE BILLS ON FIRST READING.

The following House bills were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Neblett, Mr. Morris of Medina, and Mr. Jones:

H. B. No. 472, A bill to be entitled "An Act to authorize those counties in this State which have issued road bonds since the first day of January, A. D. 1919, bearing interest at less than six per cent per annum on the dollar, which have not been sold, to sell the same, at the market price, and for that purpose the county commissioners court of such county is authorized to use so much of the general fund of such county as may be necessary to pay attorneys' fees and brokers' commission to effect a sale of such bonds at par, and declaring an emergency."

Referred to Committee on Roads, Bridges and Ferries.

By Mr. Carpenter:

H. B. No. 473, A bill to be entitled "An Act to aid and relieve the town of Matagorda (which borders on the waters of the Gulf of Mexico) and the citizens and taxpayers thereof from the devastating gulf storms and tidal waves of the Gulf of Mexico, by the construction of sea walls, breakwaters, revetments and shore and harbor protection, and in maintaining the same, and in restoring, protecting and improv-

ing the harbor and bay shore front of the town of Matagorda, in Matagorda county, Texas, so as to prevent future damage from such storms, and for the acquisition by condemnation or otherwise of all lands necessary for said purpose, by donating to said town the ad valorem taxes to be collected by the State of Texas upon all property and from all persons owning property situated and located in Commissioners' Precinct No. 2, Matagorda county, Texas, for a period of twenty years, and to authorize said town to issue bonds for the purpose mentioned, and to provide a penalty for misapplication of the funds raised therefrom, and to declare an emergency."

Referred to Committee on State Affairs.

By Mr. Patman:

H. B. No. 474, A bill to be entitled "An Act amending Subdivision 4 of Article 1422 of the Penal Code of the State of Texas of 1911, as amended by Chapter 98 of the General Laws of the Regular Session of the Thirty-third Legislature, relative to swindling by obtaining money or other things of value by means of worthless checks; providing that the fact that there are no funds in the bank or in the hands of the person, firm or corporation checked upon to meet such check shall be prima facie evidence that the check was given with intent to defraud, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Harrison:

H. B. No. 475, A bill to be entitled "An Act regulating the practice of medicine; amending certain articles and adding new articles to Title ninety (90), Chapter one (1), Civil Statutes of this State; amending certain articles and adding new articles to Title twelve (12), Chapter six (6), of the Penal Code of this State as follows: By amending Article 5737, prescribing the duties of the district clerk on cancellation of the license of a physician; by amending Article 5738, prescribing the conditions on which one may be licensed to practice medicine in this State under reciprocity arranged with the authorities of other States; by amending Article 5741, Civil Statutes, authorizing the State Board of Medical Examiners at its discretion to conduct examinations in two parts and prescribing the fee to be paid by the applicant for each examination; by amending Chapter one hundred twenty-

nine (129), Acts of the Regular Session of the Thirty-sixth Legislature, approved March 24, 1919, to be known hereafter as Article 5744a, Civil Statutes, making it the duty of the State Board of Medical Examiners to cancel the license of any practitioner of medicine for reasons enumerated and prescribing the procedure to be followed in such cases; by adding a new article to be numbered Article 5744b of the Civil Statutes, authorizing suits for injunction to be brought by the Attorney General of the State and the district and county attorneys of the State, by the Board of Medical Examiners and by any citizen of the county of the residence of the defendant, to prohibit any person from practicing medicine in this State in violation of law; by amending Article 750 of the Penal Code of this State making it unlawful for any person to practice medicine without first taking the oath prescribed and having his license registered by the district clerk of the county where he is located or into which he may remove, and prescribing punishment for making a false oath before said clerk; by adding a new article to Chapter six (6), Title twelve (12), of the Penal Code of the State to be Article 750a, making it unlawful for any person to practice medicine after his license has been cancelled by the State Board of Medical Examiners or by any court of competent jurisdiction; prescribing as punishment therefor on conviction confinement in the penitentiary; by amending Article 756 of the Penal Code of this State, prescribing that where any person is convicted under the laws of this State for practicing medicine in violation of law that in addition to other punishment inflicted the court shall enter judgment against the defendant perpetually enjoining him from continuing such violation; by amending Chapter six (6), Title twelve (12), of the Penal Code by adding a new article to be numbered Article 756a, making it a criminal offense for any applicant for license to make a false oath in his application to the board or to make a false oath before the district clerk to secure registration of his license; said offense shall constitute false swearing and shall be punished as such as provided by the laws of this State, and declaring an emergency."

Referred to Committee on Public Health.

By Mr. Satterwhite:

H. B. No. 476, A bill to be entitled "An Act to transfer from the Game,

Fish and Oyster fund to the available public free school fund all sums of money now remaining unexpended in the State Treasury heretofore received as royalty from oil and gas leases issued on river beds and channels, fresh water lakes and islands therein, and salt water lakes, inland bays, inlets, marshes and reefs owned by the State within tide water limits, and that portion of the Gulf of Mexico within the jurisdiction of Texas; and to provide that all sums of money hereafter received from royalty and payment of acreage of said areas shall be credited to the available public free school fund; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to Committee on Appropriations.

CALL OF THE HOUSE ORDERED.

Mr. Miller of Dallas moved a call of the House for the purpose of maintaining a quorum, and the call was duly seconded.

The Speaker then directed the Doorkeeper to close the main entrance to the Hall and instructed the Sergeant-at-Arms to lock all other doors leading from the Hall and stated that no member would be permitted to leave the Hall without written permission from the Speaker.

On motion of Mr. Curtis, the Sergeant-at-Arms was instructed to enforce the attendance of the absentees.

MOTION TO SUSPEND CONSTITUTIONAL RULE.

Mr. Thompson of Red River moved that the constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 161 be placed on its third reading and final passage.

The motion was lost by the following vote, not receiving the necessary four-fifths vote:

Yeas—72.

Baldwin.	Bryant.
Barrett of Fannin.	Burmeister.
Bass.	Burns.
Beasley	Coffee.
of Hopkins.	Crawford.
Beasley	Crumpton.
of McCulloch.	Cummins.
Black, O. B.,	Davis, John E.,
of Bexar.	of Dallas.
Black, W. A.,	Davis, John,
of Bexar.	of Dallas.
Bonham.	Duffey.
Branch.	Duncan.

Faubion.	Neblett.
Fly.	Owen.
Fugler.	Patman.
Garrett.	Pollard.
Greer.	Pool.
Hall.	Pope.
Harrington.	Quaid.
Harrison.	Quinn.
Henderson	Rice.
of Marion.	Rogers of Harris.
Hendricks.	Rowland.
Hill.	Satterwhite.
Horton.	Schweppe.
King.	Shearer.
Kveton.	Sims.
Laird.	Stevenson.
Lauderdale.	Stewart of Reeves.
Lindsey.	Sweet of Tarrant.
Looney.	Thomason.
Malone.	Thompson
Mathes.	of Red River.
Melson.	Thrasher.
Menking.	Veatch.
Miller of Dallas.	Wadley.
Miller of Parker.	Walker.
Moore.	Wallace.
Morris of Medina.	Westbrook.

Nays—27.

Beavens.	Morris
Brown.	of Montague.
Childers.	Mott.
Cox.	Perkins
Edwards.	of Cherokee.
Hanna.	Quicksall.
Hardin.	Sneed.
Henderson	Stewart
of McLennan.	of Edwards.
Kacir.	Sweet of Brown.
Kellis.	Thomas
Lawrence.	of Limestone.
McDaniel.	Thompson
McFarlane.	of Harris.
McKean.	Wessels.
McLeod.	Williams
Merriman.	of Montgomery.

Absent.

Aiken.	Martin.
Baker.	Marshall.
Barker.	Morgan.
Barrett of Bell.	Perry.
Binkley.	Rogers of Shelby.
Burkett.	Rosser.
Carpenter.	Rountree.
Curtis.	Smith.
Dinkle.	Stephens.
Estes.	Swann.
Johnson of Ellis.	Thorn.
Johnson	Webb.
of Wichita.	West.
Jones.	Williams
Lackey.	of McLennan.
Laney.	

Absent—Excused.

Adams.	Leslie.
Brady.	McCord.
Chitwood.	Perkins of Lamar.
Darroch.	Seagler.
Grissom.	Teer.
Johnson	Wright.
of Gillespie.	

HOUSE BILL NO. 179 SET AS SPECIAL ORDER.

On motion of Mr. Burmeister, House bill No. 179 was set as a special order for 10 o'clock a. m., Friday, February 18.

ADJOURNMENT.

Mr. Williams of McLennan moved that the House adjourn until 10 o'clock a. m. tomorrow.

Mr. Greer moved that the House adjourn until 11 o'clock a. m. tomorrow.

The motion of Mr. Williams of McLennan prevailed, and the House accordingly, at 12 o'clock midnight, adjourned until 10 o'clock a. m. tomorrow.

APPENDIX.

STANDING COMMITTEE REPORTS.

The following standing committees filed favorable reports today on bills, as follows:

Banks and Banking: Senate bill No. 234.

Education: House bills Nos. 425, 441, 236, 235, 239, 237; Senate bills Nos. 184, 160.

Public Lands and Buildings: Senate bill No. 28; House bill No. 452.

Penitentiaries: House bill No. 263.

Judiciary: House bills Nos. 207, 439, 459; Senate bills Nos. 70, 144.

The following standing committees filed adverse reports today on bills, as follows:

Criminal Jurisprudence: House bill No. 423.

Judiciary: House bills Nos. 381, 412.

Insurance: House bills Nos. 403, 399, 410.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

Committee Room,

Austin, Texas, February 16, 1921.

Hon. Charles G. Thomas, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 18, A bill to be entitled "An Act abolishing the Markets and Warehouse Department and the Weights and Measures Department and conferring all the authority, powers, duties, functions, rights and liabilities of the Commissioner of Markets and Warehouses and of said Markets and Warehouse Department and Weights and Measures Department upon the Commissioner of Agriculture; abolishing the board, consisting of the Governor, Commissioner of Agriculture and the Commissioner of Insurance and Banking, created by Chapter 5, General Laws of the Second Called Session of the Thirty-third Legislature, and vesting the powers and duties of said board in the Commissioner of Agriculture; conferring the powers and duties of the Commissioner of Insurance and Banking, relative to warehouses, upon the Commissioner of Agriculture, except such as are conferred by Chapter 3, General Laws, Second Called Session of the Thirty-third Legislature; conferring power and authority upon the Commissioner of Agriculture to administer the provisions of Chapter 5, General Laws, Second Called Session of the Thirty-fifth Legislature, Chapter 41, General Laws First Called Session of the Thirty-fifth Legislature, and Chapter 116 of the General Laws, Regular Session of the Thirty-sixth Legislature, or so much of said statutes as are in force; transferring the appropriations of the Markets and Warehouse Department and the Weights and Measures Department to the Commissioner of Agriculture, and declaring an emergency."

And find the same correctly engrossed.
SNEED, Chairman.

TWENTY-SEVENTH DAY.

(Thursday, February 17, 1921.)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Thomas.

The roll was called and the following members were present:

Adams.	Beavens.
Aiken.	Binkley.
Baldwin.	Black, O. B.,
Barker.	of Bexar.
Barrett of Bell.	Black, W. A.,
Barrett of Fannin.	of Bexar.
Bass.	Bonham.
Beasley	Brady.
of Hopkins.	Branch.
Beasley	Brown.
of McCulloch.	Bryant.

Burmeister.	Miller of Parker.
Burns.	Morgan.
Carpenter.	Moore.
Childers.	Morris of Medina.
Coffee.	Morris
Cox.	of Montague.
Crawford.	Mott.
Crumpton.	Neblett.
Cummins.	Owen.
Curtis.	Patman.
Davis, John E.,	Perkins
of Dallas.	of Cherokee.
Davis, John,	Perry.
of Dallas.	Pollard.
Dinkle.	Pool.
Duffey.	Pope.
Duncan.	Quaid.
Edwards.	Quicksall.
Estes.	Quinn.
Faubion.	Rice.
Fly.	Rogers of Harris.
Fugler.	Rogers of Shelby.
Garrett.	Rosser.
Greer.	Rountree.
Hall.	Rowland.
Hanna.	Satterwhite.
Hardin.	Schwepe.
Harrison.	Shearer.
Henderson	Sims.
of McLennan.	Smith.
Henderson	Sneed.
of Marion.	Stephens.
Hendricks.	Stevenson.
Hill.	Stewart
Horton.	of Edwards.
Johnson of Ellis.	Stewart of Reeves.
Johnson	Sweet of Brown.
of Wichita.	Sweet of Tarrant.
Jones.	Thomas
Kacir.	of Limestone.
Kellis.	Thomason.
King.	Thompson
Kveton.	of Harris.
Laird.	Thompson
Lauderdale.	of Red River.
Lawrence.	Thorn.
Lindsey.	Thrasher.
Looney.	Veatch.
McDaniel.	Wadley.
McFarlane.	Walker.
McKean.	Wallace.
McLeod.	Webb.
Malone.	Wessels.
Martin.	West.
Marshall.	Westbrook.
Mathes.	Williams
Melson.	of McLennan.
Menking.	Williams
Merriman.	of Montgomery.

Absent.

Lackey.	Miller of Dallas.
Laney.	
	Absent—Excused.
Baker.	Chitwood.
Burkett.	Darroch.